

The Judicial Protection Path of Network Virtual Property: From the Perspective of the Revision of the "Civil Case Classification" in 2025

Zhiguang Yu

School of Law, Xinjiang University of Finance and Economics, Urumqi, Xinjiang, China

Abstract: Article 127 of the Civil Code establishes the principle of protecting online virtual property through a referential clause, yet fails to delineate its conceptual scope and legal attributes, resulting in longstanding dual challenges in judicial practice: "ambiguous substantive rules and unclear procedural access." In December 2025, the Supreme People's Court issued its third amendment to the Provisions on Causes of Civil Cases, introducing for the first time a first-level cause of action titled "Disputes over Data and Online Virtual Property," under which three third-level causes—disputes over ownership, contractual disputes, and infringement disputes—were further specified. This provides an institutional framework for the protection of virtual property at the procedural level. However, the amendment does not resolve the suspension of attribute determination at the substantive level. Issues such as inconsistent valuation standards in judicial practice, tensions between platform rules and user rights, and the particular challenges posed by virtual currencies remain prominent. Based on a review of the academic debates surrounding the legal nature of online virtual property, this paper examines the practical progress and institutional dilemmas of judicial protection under the new system of causes of action. It further proposes a systematic approach centered on "categorized rights confirmation—dynamic remedies—collaborative governance" as a pathway for improvement, with the aim of providing theoretical reference for enhancing the civil judicial protection of online virtual property.

Keywords: Network Virtual Property; Judicial Protection; Case Type Regulations; Legal Attributes; Typified Protection

1. Introduction

Network virtual property is a new form of property emerging in the digital economy era. From game equipment, virtual currencies to network accounts and NFT digital collectibles, the value of virtual property has become increasingly prominent, and disputes related to virtual property have flooded into courts in large numbers. According to statistics, from 2019 to the first half of 2024, courts across the country have concluded 6,372 cases related to the determination of the attributes of network virtual property and transaction circulation, among which there were 5,525 civil cases and 847 criminal cases. The Guangzhou Internet Court has concluded nearly 600 cases involving network virtual property since 2019, mainly involving disputes such as game accounts, WeChat accounts, live-streaming accounts, traffic, and digital collectibles of various types [1]. These data indicate that disputes related to virtual property have evolved from sporadic and occasional occurrences to a case type category that cannot be ignored in judicial practice.

However, the legal provisions for protecting virtual property are seriously insufficient. Article 127 of the Civil Code stipulates: "Where the law has provisions regarding the protection of data and online virtual property, such provisions shall be followed." This article establishes the principle of protecting online virtual property in accordance with the law, but it is only a highly generalized and directive provision, and does not clearly define the rights attributes and boundaries of online virtual property [2]. In the context where specialized legislation is still lacking, judicial protection actually assumes the pioneering function of filling the normative gaps. From a global perspective, other countries also basically fall in the exploration stage regarding the protection of online virtual property, and there are no mature experiences that can be comprehensively referred to.

On December 17, 2025, the Supreme People's Court officially issued the "Decision on Amending the 'Regulations on Case Categories for Civil Cases'" (Document No. 226 of 2025), making the third amendment to the "Regulations on Case Categories for Civil Cases". The revised "Regulations on Case Categories for Civil Cases" will come into effect on January 1, 2026. This amendment focuses on serving the development of new quality productive forces, adding case categories related to data and network virtual property. After the amendment, the first-level case categories have increased from 11 to 12, and the specific case categories have increased from 929 to 1055. Among them, the first-level case category "Data and Network Virtual Property Disputes" has been newly added, with two second-level case categories of "Data Disputes" and "Network Virtual Property Disputes", and three third-level case categories of "Network Virtual Property Ownership Disputes", "Network Virtual Property Contract Disputes", and "Infringement of Network Virtual Property Rights Disputes" have been added under the "Network Virtual Property Disputes" item. This procedural law-level institutional breakthrough provides a normative basis for the precise filing, case division, and judicial statistics of virtual property disputes, marking that China's judicial protection of network virtual property has entered a more standardized new stage.

However, the amendment of case types cannot completely solve all the problems related to the protection of virtual property. At the substantive law level, the fundamental differences in the nature of rights remain unresolved; at the procedural law level, the standardization of the filing process is only the starting point, and the substantive rules such as value assessment, burden of proof, and infringement determination still need to be improved [3]. This article intends to take the amendment of case types in 2025 as the starting point, systematically review the institutional evolution and practical difficulties of judicial protection of network virtual property, and then explore the systematic improvement path based on this.

2. Program Breakthrough: The Institutional Significance of the Case-Type Amendment in 2025

2.1 From "Dependency" to "Independence":

The Upgrade of Case Analysis Positioning

Before the amendment in 2025, disputes over virtual property lacked independent case classification. When parties filed lawsuits, they often had to be categorized under property rights disputes, contract disputes, or infringement disputes, which failed to accurately reflect the core issues of the cases. The first case of "Infringement of Network Virtual Property Rights and Interests" in the Baiyin District People's Court, which was the first of its kind in the city, is a typical example: In this case, the plaintiff's game account was frozen while surfing the internet at a certain internet cafe. According to the case classification rules before the amendment, such cases could only be selected as "Network Infringement of Virtual Property Rights" or "Service Contract Dispute", but both of these were different from the actual disputes of the case and were difficult to clearly reflect the core issues of the case. The new case classification "Infringement of Network Virtual Property Rights and Interests" precisely fits the nature of the case, providing a clear and standardized "case classification identity" for such rights protection disputes.

The independence of the case name means that disputes related to virtual property have risen from their previous "derivative" status attached to other civil disputes to a separate case type on par with property rights disputes and contract disputes. According to the "Understanding and Application of the 'Civil Case Classification Regulations' (2025)" published by the Research Office of the Supreme People's Court, the reason why network virtual property is specifically set as the first-level case name is mainly due to two considerations: first, it aligns with the concept of the Internet court's centralized handling of network virtual property disputes and unifies legal application; second, the nature of network virtual property needs to be further clarified at the legislative level. Its rights nature is close to property rights but different from property rights. As a new type of property right, it is necessary to explore and establish a specialized protection model based on its technical characteristics in practice, and it is not appropriate to list network virtual property disputes together with property rights disputes or intellectual property disputes. It is worth noting that the "Understanding and Application" further clarifies the definition and basic scope of network virtual property, including virtual currencies, digital collectibles

(NFTs), and game equipment in online games. Although this authoritative interpretation is not a legislative regulation, it is of great significance for guiding the filing and trial work of courts at all levels.

2.2 The Procedural Legal Value of Case Modification Procedures

The procedural legal significance of case modification lies in three aspects.

First, it facilitates the exercise of the parties' litigation rights. The independence of the case type provides the parties with more precise guidance for filing lawsuits and reduces the risk of encountering procedural obstacles due to improper choice of case type. The Supreme People's Court clearly stated in the amendment explanation that this revision places greater emphasis on the simplicity and ease of use of case types, adhering to the spirit of "as I am in the lawsuit", and first focuses on facilitating the parties to make a better choice of case type.

Second, it is conducive to the unification of judicial standards. The standardization of case types provides a institutional basis for case retrieval and judicial statistics. As of December 2024, the People's Court Case Database has included 23 cases related to virtual property, including 1 guiding case and 22 reference cases. The establishment of the new case type system creates conditions for the systematic classification and analysis of these cases, which is conducive to promoting the systematization of judicial rules.

Third, it promotes judicial specialization. The independence of case types means that the trial of virtual property disputes will gradually be separated from general civil and commercial trials, forming relatively independent judicial experience and judicial rules, which is of great significance for meeting the professional requirements of dealing with new disputes.

However, it must be clearly recognized that the amendment of case types addresses the "entry" issue at the procedural law level, rather than the "judgment" issue at the substantive law level. The core substantive issues such as the definition of the rights attributes of virtual property, the value assessment standards, and the allocation of burden of proof still require further institutional supply.

3. The Practical Predicament: The Theoretical Disputes over Legal Attributes

and Judicial Adaptation

3.1 The Main Theories in Theory and Their Limitations

The determination of the legal nature of online virtual property is a fundamental theoretical issue that determines the choice of protection path for it. However, there has been a fundamental disagreement in the academic community on this matter for a long time. Some scholars have pointed out that the "online virtual property" mentioned in Article 127 of the Civil Code should be recognized as a new type of intangible property that conforms to the characteristics of online virtuality, value, specificity, independence, disposability, exclusivity, and legality [4]. Based on this, the academic community has mainly formed the following three theories.

First, the property rights theory holds that network virtual property has exclusivity, disposability, and independent value, and should be recognized as a subject of property rights. Some scholars point out that since users have invested money or time and effort, virtual properties such as game accounts and game gold have unique property value and should be protected by law. The existing rights protection paths of property rights, creditor's rights, etc., each have their limitations. It would be better to regard such virtual properties as a new type of independent property and protect them based on their technical characteristics in accordance with property rights [5]. However, the fundamental challenge faced by the property rights theory lies in the fact that virtual properties cannot exist independently from the platform server in technology, and users' "possession" and "domination" of virtual properties are always subject to the technical control of the operator and the restrictions of user agreements. This is in tension with the absolute dominion required by traditional property rights.

Second, the creditor's rights theory holds that the realization of virtual property rights must be through creditor's rights claims, that is, based on the network service contract between users and operators, the boundary of users' rights is determined by the contract. Some scholars support the creditor's rights theory from the perspective of procedural effectiveness of the enforcement law, believing that considering both the substantive essence and procedural effectiveness, the nature of virtual property

should adopt the creditor's rights theory, and based on this, a framework for the enforcement procedure of digital virtual property rights can be constructed [6]. The creditor's rights theory accurately reveals the contractual basis of the rights and obligations relationship between users and operators, but its limitation lies in that it is difficult to fully explain the phenomena of transactions, transfers, and inheritances of virtual properties among network users - when virtual properties are transferred among different users, the nature of their legal relationship clearly exceeds the scope of a simple contractual relationship.

Finally, the new property theory attempts to transcend the binary opposition. Some scholars, based on the theoretical construction of the identification standard of network virtual property, have proposed a five-category framework: dividing network virtual property into item-type, business-type, account-type, space-type, and encrypted network virtual property [7]. This categorization thinking provides an important analytical framework for subsequent institutional construction, transcending the binary opposition between the property rights theory and the creditor's rights theory, and laying a theoretical foundation for classified protection.

3.2 The Adaptive Stance in Judicial Practice

In the absence of substantive legal rules, judicial practice did not wait for legislative improvement but actively explored protection paths in individual case adjudications. Due to the fact that Article 127 of the Civil Code only makes general provisions, the theoretical and practical communities have not yet reached a consensus on the nature of online virtual property. Various schools of thought attempt to define the legal attributes of virtual property from different perspectives, but there is no definite conclusion yet.

In judicial practice, courts usually confirm that virtual objects possess property attributes, and then protect online virtual property from different angles based on different litigation subjects and requests. In disputes involving the suspension of game accounts, courts often examine whether the operator's actions constitute a breach of contract from the perspective of contract violation; while in disputes involving third-party infringement of virtual property, courts tend to apply tort

liability rules. This flexible and adaptive judicial stance effectively filled the gap in norms during the period of legislative lag, but it also brought problems such as inconsistent judicial standards and uncertain protection paths.

The "Research and Analysis Report on the Legal Nature and Civil Judicial Protection Path of Network Virtual Property" released by the Guangzhou Internet Court in May 2025 further revealed the prominent problems in practice: Virtual property has both property rights and creditor's rights attributes. During transactions and transfers, issues such as the unclarification of the tradability of online accounts, the non-unification of the nature of online store transaction behaviors, the controversy over the validity of the prohibition of trading virtual properties in online games, the need for improvement in legal norms and governance rules for NFT-type virtual properties, and disputes over the valuation of cryptocurrencies causing financial risks may arise [1]. The existence of these problems indicates that the amendment of case types is only one link in the protection chain and is far from the end.

4. Practical Investigation: Difficulties in Judicial Protection under the New Case-by-Case System

4.1 The Formation of Typical Judicial Rules

Before the formal implementation of the new case handling system, a number of exemplary judicial rules had emerged in judicial practice.

First, the expansion of the infringement protection path. The Guangzhou Internet Court's judgment in the case of "Traffic Hijacking" of the WeChat official account was the first to regulate the behavior of employees' private link traffic diversion from the perspective of tort liability, clearly stating that the traffic of WeChat official accounts falls under the protected network virtual property under the Civil Code. The reasoning of this judgment was: WeChat official accounts have a certain fan base and attract traffic by publishing articles to obtain "traffic master" income, which has the attribute of property interest and belongs to network virtual property. The court divided traffic infringement damages into two types: active damage (reduction of existing interests) and passive damage (should increase property but did not increase), and comprehensively considered factors such as infringement profits,

changes in fans and income, and duration of infringement, providing an operational framework for the determination of infringement and compensation standards for traffic-based virtual property.

Second, exploration of multiple paths for value assessment. The determination of the value of virtual property has always been a difficulty in judicial practice. In practice, the determination of the value of virtual property mainly includes market average transaction value determination standards, sales proceeds determination standards, victim purchase price determination standards, and pricing determination standards of network operators, etc. However, a single-factor determination model is difficult to be applicable to complex cases. Some research used 100 cases as samples to examine the judicial determination of the value of virtual property and found that different courts had significant differences in the methods of value determination [8]. In the case of *Pang v. Wuhu* a certain network technology company and Li's network service contract dispute, the court established a multi-level value assessment path: if the parties agreed to the assessment and appraisal, it was determined according to the appraisal price; if it could not be assessed and appraised, it could be determined through negotiation, market auction or past transaction prices; if negotiation failed and there were no auction conditions or past transaction prices, then the value was comprehensively determined based on the game recharge amount, as well as the time and effort invested by the player in the game and the game experience obtained.

Third, reasonable allocation of platform responsibility and user fault. In the "proxy training" account suspension case, the court not only determined that the proxy trainer should bear the liability for compensation because the use of external software led to the account being suspended, but also pointed out that the player, as a fully capable civil actor, knew that entrusting the account to others for use carried risks but indulged in the occurrence of the risks, and himself was at fault. This judgment reflects the basic idea of fault allocation in the protection of virtual property, that is, not completely attributing the responsibility to the platform or the proxy trainer, but making a reasonable division based on the actual circumstances of each party's fault.

4.2 The Remaining Practical Challenges that need to be Addressed

Although the case causes have been rectified and judicial practice has made positive progress, the following problems remain prominent.

Dilemma 1: There is still no unified standard for value assessment. Although some assessment methods have been established in practice, determining the value of virtual properties (such as personalized accounts and high-value game equipment with emotional value) that lack market transaction prices remains a challenge. Virtual properties exist in the online space and have characteristics such as digitization and immateriality, which makes it difficult to obtain evidence of crimes and leads to differences in market transactions, making it hard to apply uniform calculation rules [9]. The assessment methods of different courts vary greatly in different cases, affecting the predictability of judgments.

Dilemma 2: Tension between platform rules and user rights. Operators often set unilateral rights to change rules and account disposal through user agreements. The validity boundaries of these standard terms are still unclear. Some network virtual properties have identity attributes and are usually registered under specific entities on specific platforms, making the protection of user rights more complex. In specific cases, what constitutes "unreasonable" terms still has a large degree of discretion.

Dilemma 3: The special predicament of virtual currencies. Although the "Case Reasoning Regulations" have included virtual currencies within the scope of online virtual property, the regulatory authorities have continuously issued strong signals of pressure. Since the release of the "Notice on Preventing Bitcoin Risks" in 2013, the regulatory authorities have successively issued multiple notification documents, repeatedly emphasizing that activities related to virtual currencies are illegal financial activities and carry legal risks. Based on the review of publicly disclosed judicial documents, disputes involving virtual currencies exist in various forms in practice, including contract disputes, private lending disputes, and unjust enrichment disputes. From the current judicial judgments, most courts, influenced by the strict regulatory policies of the authorities, generally consider that such disputes do not fall within the scope of legal protection and reject the lawsuit, or consider that the relevant civil

acts are invalid and reject the lawsuit requests of the parties, allowing the parties to bear the economic losses themselves. This has created a deep tension between procedural law recognition and substantive law denial. How to find a balance point between maintaining financial order and protecting the legitimate rights and interests of the parties in the future is a question that needs to be carefully answered.

Dilemma 4: The legal classification of new types of virtual properties such as NFTs is still unclear. The property rights certificate attribute of the NFT smart contract is worthy of theoretical exploration. If NFT is defined as a property or an object, the NFT smart contract is the property rights certificate of NFT, which can highlight the uniqueness, scarcity, and resulting property value of NFT products. Classifying the NFT smart contract as a property rights certificate has significant legal significance. Only through the smart contract as a property rights certificate can the recognition, transaction, and subsequent rights guarantee of NFT as a property be realized. At the same time, NFT trading platforms face three major dilemmas in the field of digital copyright protection: there is difficulty in identifying digital copyright infringers at the ownership level, the application of higher attention obligations at the responsibility level faces generalization, and the guarantee level is limited by the absence of platform transaction rules. The combination of these problems has made the legal protection of NFT face a more complex situation.

5. Systematic Improvement: Typification, Proceduralization and Coordination

The amendment of the case cause provides a legal system foundation for the protection of virtual property, but to truly make judicial protection systematic, efforts need to be made simultaneously at the substantive level, procedural level and governance level.

5.1 At the Entity Level: Promote the Establishment of Classification-based Rights and the Separation of Obligations

Virtual property comes in various types and cannot be uniformly protected by a single model. Some scholars have proposed a five-category framework - item type, business type, account type, space type, and encryption type - which provides a theoretical tool for classification protection [10]. Based on judicial practice

observations, differentiated protection strategies can be constructed on this basis.

For item-type virtual property (such as game equipment and props), since it is directly related to the user's time and money invested, and has strong exclusivity and tradability, it can be regarded as an independent new type of property. It can be protected according to its technical characteristics by referring to property rights, but the specific rights content, exercise methods, and limits need to be judged based on specific circumstances. Users can trade game accounts without violating laws such as real-name system and personal information protection, and freely choose to divide their game currency within or outside the platform.

For account-type virtual property, since it involves public interests such as real-name system and personal information protection, protection should balance the rights of users and the management authority of the platform. The user's right to use the account should be subject to the dual constraints of contractual agreements and legal provisions, but the platform should fulfill adequate notification obligations and due process when modifying rules or disposing of user accounts.

For business-type virtual property (such as online stores and live-streaming accounts), since it has an entrepreneurial characteristic, protection should focus more on transaction security and protection of innocent third parties. In the field of digital product transactions, by clearly defining the scope of platform obligations in transaction disputes, determining platform liability based on the standard of benefit assessment, and using legal relationship determination methods to determine the rules for platform liability determination at different transaction stages, it can provide maximum private rights relief guarantees for rights holders in the digital product transaction field.

For encrypted virtual property (such as NFT), attention should be paid to its cross-attributes between copyright law, contract law, and property law. The construction of infringement liability for NFT trading platforms should be centered on the duty of care, strengthen the platform's pre-review of NFT digital works' copyrights, combine classification and grading methods to quantify the platform's duty of care, and thereby clarify the boundaries of NFT infringement liability.

For virtual currency, given its special financial

regulatory background, it should be carefully distinguish between legal disputes and illegal activities under strict regulatory policies. For purely technical disputes (such as wallet private key loss, smart contract execution disputes, etc.) not related to illegal financial activities, appropriate relief paths can be explored under the premise of not violating regulatory policies, avoiding the protection vacuum caused by a "one-size-fits-all" rejection.

5.2 Program Level: Improve the Rules for Allocating the Burden of Proof and for Value Assessment

In virtual property disputes, the problem of difficulty in providing evidence is widespread, especially in cases where virtual property rights are infringed upon. The determination of the infringement behavior often relies on the platform's backend data, and users, as plaintiffs, have difficulty obtaining this data. Therefore, it is necessary to introduce a reverse burden of proof or assistance in providing evidence mechanism moderately on the basis of the existing burden of proof rules. In cases involving platform liability, the platform can be required to provide the relevant technical data it has in hand to balance the evidential capabilities of both the plaintiff and the defendant.

The improvement of the value assessment rules is also urgent. Some studies have proposed the basic principle of giving priority to objective value standards over subjective value judgments, emphasizing that as long as virtual property still has actual exchange value, there will be a tradable market price regardless of whether it is traded or not [8]. At the same time, it is necessary to explore the establishment of an expert-assisted system for the valuation of virtual property, formulate specific assessment norms, clearly define legal application standards, and enhance the professionalism and credibility of value determination.

5.3 Governance Level: Establish a Diversified and Collaborative Governance System

The research report of the Guangzhou Internet Court indicates that a diversified governance system should be established, and based on the types of virtual property, the rights and obligations of operators, users and third-party platforms should be clarified. At the institutional level, a contractual negotiation mechanism for user participation should be explored. This

means that the protection of virtual property should not only rely on post-event judicial remedies, but also attach importance to the design of rules in advance.

Firstly, the platform should establish more transparent and reasonable rules for managing virtual assets, and fulfill adequate notification obligations and due process when modifying the rules or handling users' virtual assets. Secondly, efforts should be made to establish a cross-platform transaction traceability and scenario tracking system, and collaborate with regulatory authorities to strengthen risk prevention in key areas such as NFT digital collectibles and digital currencies, and ensure the main responsibility of the platform. Promote the establishment of a cross-platform transaction traceability and scenario tracking system to form a full-chain regulatory loop. Finally, a effective communication and coordination mechanism should be formed among regulatory authorities, industry associations, platform enterprises and users, while safeguarding the innovation vitality and maintaining the basic bottom line of rights protection.

6. Conclusion

Network virtual property is a product of the digital economy era. Its legal protection involves the extension of traditional property law theories as well as facing new institutional challenges. Article 127 of the Civil Code reserves institutional space for the protection of virtual property through an inducing clause, and the amendment of the "Civil Case Classification Rules" in 2025 provides an independent filing entry and a standardized case type system for virtual property disputes from the procedural law perspective. The significance of this institutional evolution lies not only in "facilitating filing", but also in promoting the protection of virtual property from individual case exploration to institutional construction.

It is essential to recognize that the amendment of the case reasons is merely the initial step, not the final destination. The fundamental solution to the protection of virtual property lies in the improvement of substantive legal rules. During this process, judicial practice will continue to play a pioneering role, accumulating cases to form judicial consensus and providing a practical foundation for future specialized legislation. Meanwhile, the task of theoretical research is to, while tracking judicial practice,

maintain continuous reflection on basic concepts, rights structures, and value balance issues, providing intellectual support for the construction of a virtual property protection system that conforms to the laws of the digital economy and upholds the basic values of the rule of law.

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